

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 767 (Substitute S-6 as reported)
Sponsor: Senator Mat J. Dunaskiss
Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend Part 731 (Recreational Trespass) and Part 435 (Hunting and Fishing Licenses) of the Natural Resources and Environmental Protection Act to allow property owners to sue trespassers; increase penalties; revise seizure and forfeiture provisions; require a licensed hunter to wear a tag; and require the Department of Natural Resources to maintain a computerized file of information in hunting license applications and tag numbers. The bill is tie-barred to Senate Bill 768.

The Act provides that a person must not enter or remain upon property of another person, other than farm property or a wooded area connected to farm property, to engage in any recreational activity or trapping without the owner's or lessee's consent except under certain circumstances. Under the bill, the owner or lessee could bring a cause of action against a violator for \$250 or actual damages, whichever was greater, and actual and reasonable attorney fees.

Currently, a person who violates Part 731 is guilty of a misdemeanor punishable by imprisonment up to 90 days and/or a fine of up to \$100. Under the bill, the fine would be at least \$100 but not more than \$500. The Act provides that a second or subsequent violation within three years of a previous violation is punishable by imprisonment for up to 90 days or a fine of at least \$100 but not more than \$500, or both, and the court may revoke the person's hunting or fishing license for the rest of the year, and order the person not to seek another license for up to three years. Under the bill, until September 31, 2001, a repeat offender within three years would be subject to imprisonment for up to 90 days and/or a fine of at least \$250 but not more than \$1,000, and the court would have to revoke the offender's hunting, fishing, or trapping license and order the person not to seek a license of any kind for the remainder of the calendar year and during at least one succeeding year. After September 30, 2001, the penalty for a repeat offense would revert to the current level.

Currently, the court must order a violator to make restitution for any damages arising out of the violation. The bill would include reimbursement to the State for the value of any protected animal, fur-bearing animal, game, or fish that was taken while the violation was being committed. Currently, property that is brought onto the property of another during a repeat offense may be seized and forfeited. The bill would exempt electronic hunting-dog-retrieval equipment and certain living or dead animals, from seizure and forfeiture.

MCL 324.43516 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government, depending upon the number of violations and amount of fine revenue received. The bill would have no fiscal impact on local government.

Date Completed: 5-26-98

Fiscal Analyst: G. Cutler/B. Bowerman